

1 RUDY Y. KIM (CA SBN 199426)
RudyKim@mofo.com
2 ALAN COPE JOHNSTON (CA SBN 66334)
ACJohnston@mofo.com
3 MORRISON & FOERSTER LLP
755 Page Mill Road
4 Palo Alto, California 94304
Telephone: (650) 813-5600
5 Facsimile: (650) 494-0792

6 ALEXANDER J. HADJIS (pro hac vice)
AHadjis@mofo.com
7 JOSHUA A. HARTMAN (pro hac vice)
JHartmann@mofo.com
8 MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW
9 Suite 6000
Washington, DC 20006
10 Telephone: (202) 887-1500
Facsimile: (202) 887-0763

11 Attorneys for Defendant-Counterclaimant
12 FREESCALE SEMICONDUCTOR, INC.

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17
18 MEDIATEK INC.,

19 Plaintiff,

20 v.

21 FREESCALE SEMICONDUCTOR, INC.,

22 Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**DECLARATION OF MARK
PATRICK IN SUPPORT OF
MEDIATEK INC.'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

1 I, Mark Patrick, hereby declare as follows:

2 1. I am an attorney for Freescale Semiconductor, Inc. (Freescale). I submit this
3 declaration in support of MediaTek Inc.'s (MediaTek) Administrative Motion to File Under Seal
4 (Administrative Motion) (Dkt. No. 79) pursuant to Local Rules 7-11 and 79-5. I have personal
5 knowledge of the matters set forth below. If called as a witness I could and would competently
6 testify as follows.

7 2. **Documents Disclosing Freescale's Sales of Certain Product Families in the**
8 **United States.** MediaTek included in its Administrative Motion documents collecting
9 information indicated that certain Freescale product families have been sold in the United States.
10 These documents are the highlighted portions of MediaTek's Motion for Leave to Amend Its
11 Disclosure of Asserted Claims & Infringement Contentions (Motion to Amend) (Dkt. No. 79-3),
12 the Declaration of Michael P. Wickey in Support of MediaTek Inc.'s Motion to Amend
13 Infringement Contentions (Wickey Declaration) (Dkt. No. 79-5), Wickey Decl. Ex. Q (Dkt. No.
14 79-29), and Wickey Decl. Ex. T (Dkt. No. 79-32), as well as the entirety of Wickey Decl. Ex. B
15 (Dkt. No. 79-13). Public disclosure of this information would competitively disadvantage
16 Freescale by giving Freescale's rivals easy access to a summary of Freescale's domestic sales
17 activity. While it is possible to recreate much of the information contained in this summary,
18 Freescale does not make sales information specific to particular product families available
19 publicly in summary form. Instead, rivals interested in determining Freescale's domestic sales
20 activities with respect to particular products must undertake investigation into publicly available
21 materials. Because Freescale's competitors also do not publicly disclose sales information as to
22 particular products in summary form, Freescale would be at a competitive disadvantage if the
23 summary sales information for certain of its product families were to be publicly disclosed.
24 Attached as Exhibits 1-4 are copies of the Motion to Amend, Wickey Declaration, Wickey Decl.
25 Ex. Q, and Wickey Decl. Ex. T containing Freescale's proposed redactions.

26 3. **Documents Disclosing Freescale's Manufacturing Activities.** MediaTek
27 included in its Administrative Motion documents discussing Freescale's manufacturing activities.
28 These documents are portions of the Motion to Amend and the Wickey Declaration. In particular,

1 paragraphs 9–11 of the Wickey Declaration discuss highly confidential information concerning
2 Freescale’s manufacturing processes and, in particular, the locations at which some
3 manufacturing steps may be carried out for certain products.

4 **4. Documents Disclosing Nonpublic Technical Details for Freescale’s Products.**

5 MediaTek included in its Administrative Motion several documents disclosing nonpublic
6 technical information about Freescale’s products. These documents are Wickey Decl. Ex. O
7 (Dkt. No. 79-27) and Wickey Decl. Ex. A.6, Exhibit C-7, Infringement Chart for U.S. Patent No.
8 6,088,753, MXC91131, MXC91331, MXC91321 Processors (Dkt. No. 79-11). Wickey
9 Declaration Exhibit O contains excerpts from Freescale technical documents related to certain of
10 Freescale’s products. Exhibit C-7 is a claim chart that contains information taken from
11 documents like those excerpts in Wickey Declaration Exhibit O. While the information provided
12 in Exhibit O and Exhibit C-7 is similar to information contained in the publicly available product
13 documentation found on Freescale’s website, Exhibits O and C-7 provide technical details that
14 Freescale does not ordinarily disclose to the public. Disclosure of this information would harm
15 Freescale by providing its competitors access to Freescale’s proprietary information concerning
16 the structure and functionality of its products. Freescale requests that the Court seal these
17 documents in full.

18 **5. Documents Disclosing Freescale’s Exclusive Sales to Certain Entities.**

19 MediaTek included in its Administrative Motion Wickey Decl. Ex. U, which is a Mar. 1, 2013,
20 Letter from Joshua Hartman to Keith Slenkovich. The highlighted portions of this document
21 contain confidential information that Freescale sells certain products exclusively to certain
22 entities. Attached as Exhibit 5 is a copy of Wickey Decl. Ex. U containing Freescale’s proposed
23 redactions.

24 **6.** The above information is confidential and trade secret. If disclosed, the
25 information in the materials described above could be used by Freescale’s competitors to
26 Freescale’s disadvantage. The requested relief is necessary and narrowly tailored to protect the
27 confidentiality of this information.

28 **7.** Freescale does not maintain a claim of confidentiality on the following documents:

- MediaTek's Amended Infringement Contentions (Dkt. No. 79-6);
- Declaration of Nancy Lynn Schroeder in Support of MediaTek Inc.'s Motion to Amend Infringement Contentions (Dkt. No. 79-36);
- Exhibit A-1, Infringement Chart for U.S. Patent No. 6,738,845 (Dkt. No. 79-7);
- Exhibit B-1, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-8);
- Exhibit B-2, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-8);
- Exhibit B-3, Infringement Chart for U.S. Patent No. 6,889,331 (Dkt. No. 79-9); and
- Wickey Decl. Ex. P, Feb. 17, 2013, Letter from K. Slenkovich to R. Kim.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2013, at Austin, Texas.


Mark Patrick